

Comments of the Pennsylvania Chamber of Business and Industry  
**Docket Number: EC-2000-007**  
**Submitted Electronically on February 27, 2002**

### Executive Summary

On August 31, 2001, the Environmental Protection Agency (EPA) published its proposed rule, the Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR). Its purpose is to allow electronic reporting by regulated entities to the EPA (or to state and tribal entities implementing EPA requirements), and to allow regulated entities to keep EPA-mandated records electronically. The proposed rule is intended to apply the burden-reduction goals of the *Government Paperwork Elimination Act* (GPEA) to environmental reporting and recordkeeping. However, CROMERRR would increase the compliance burden faced by the regulated community and would make electronic reporting and recordkeeping even more burdensome than using paper systems.

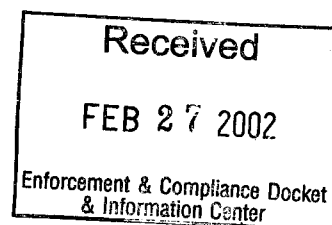
CROMERRR appears to take the position that current practices using data stored on computers to meet EPA recordkeeping requirements are impermissible. CROMERRR also appears to take the position that future use of computers to store data for EPA recordkeeping requirements would be permissible only if, in most cases, very expensive retrofits for existing computer systems or new computer systems are purchased. The CROMERRR recordkeeping provisions would seem to impose very high costs on facilities, potentially in the millions of dollars, and well in excess of the \$40,000 per facility estimated by the EPA. These impacts may not be obvious from reading the proposed rule, but appear to be implicit in light of the Food and Drug Administration's (FDA) similar rule, which has been in effect since 1997.

The Pennsylvania Chamber of Business and Industry (the Chamber) is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

the U.S. Chamber and recommend that the proposed CROMERRR be withdrawn. At the very least, the recordkeeping provisions should be withdrawn. The Chamber member companies are subject to extensive EPA and state/local reporting requirements under the Clean Air Act, Resource Conservation and Recovery Act, Emergency Planning and Community Right-to-Know Act, Clean Water Act, and various other environmental statutes and implementing regulations. Therefore, this proposal will have significant impacts on our member companies as well as many thousands of other large and small companies.

It has become clear that the "voluntary" recordkeeping provisions would, in practical effect, be mandatory for the great majority of facilities regulated under EPA-administered laws. Using the EPA's own figures for the number of affected facilities, as well as upfront and annual costs, these recordkeeping requirements would cost \$48 billion initially and over \$20 billion annually thereafter. The former figure is seven times the EPA's annual budget and the latter is more than four times the annual cost of the Occupational Safety and Health Administration's (OSHA) ill-fated ergonomics rule.

The overarching goal of paperwork reduction is to reduce the compliance burden to industry. However, CROMERRR does not reduce the compliance burden – in fact, it adds to it tremendously. The EPA should, at a minimum, withdraw the recordkeeping provisions from CROMERRR and work with industry to evaluate alternatives to this rule.



COMMENTS OF THE  
PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY  
To the  
ENVIRONMENTAL PROTECTION AGENCY  
Regarding  
DOCKET NUMBER EC-2000-007  
On  
ESTABLISHMENT OF ELECTRONIC REPORTING:  
ELECTRONIC RECORDS; PROPOSED RULE

The Pennsylvania Chamber of Business and Industry (the Chamber) submits these comments in response to the Environmental Protection Agency (EPA) Proposed Rule on "Establishment of Electronic Reporting: Electronic Records" (commonly referred to as CROMERRR – Cross-Media Electronic Reporting and Recordkeeping Rule), as published in the August 31, 2001, *Federal Register* (Chamber) is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

The Chamber's member companies are subject to extensive EPA and state/local reporting requirements under various environmental statutes and regulations. Accordingly, the Chamber has a vested interest in the EPA's development of reporting and recordkeeping regulations that will affect a broad array of industry owners and operators, particularly small businesses of various kinds. Our comments will address those general issues of concern presented only by the recordkeeping portion of the EPA's Cross-Media Electronic Reporting and Recordkeeping Rule (*hereinafter*, CROMERRR). The reporting provisions in CROMERRR raise important concerns in and of themselves, but are beyond the scope of these comments.

**Key Concerns**

- Although presented as voluntary, CROMERRR's recordkeeping requirements would apparently apply to all EPA-mandated records kept on a computer. The

EPA presents the CROMERRR recordkeeping provisions as voluntary. However, the proposed rule's text suggests that the provisions would be mandatory for almost all uses of computers to store data intended to meet EPA recordkeeping requirements.

- **The CROMERRR recordkeeping requirements would be very expensive.** The CROMERRR recordkeeping requirements would seem to impose very high costs on facilities, potentially in the millions of dollars, and well in excess of the \$40,000 per facility estimated in the proposed rule's preamble.
- **"one- size- fits- all" approach to electronic recordkeeping.** The *Government Paperwork Elimination Act* (GPEA) does not mandate the rule as proposed. The EPA did not conduct a risk assessment or cost-benefit analysis on the need for such stringent anti-fraud provisions, although directed by the Office of Management and Budget (OMB) to do so. The Agency also did not conduct a SBRIFA analysis to assess the rule's impact on small businesses.
- **The proposed nine requirements in CROMERRR intended to track changes to every record kept by a company are unnecessary.** These requirements are intrusive and overly-costly. The EPA should allow regulated entities to maintain records in any reliable format, so long as they are accurate and accessible.

#### **commendation**

The EPA should withdraw the proposed rule and reassess the need for and potential impact of the rule. CROMERRR is based on mistaken assumptions and is plagued by high costs, technical infeasibility and a lack of need for adoption. At a minimum, the EPA should withdraw the recordkeeping provisions of the proposal.



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Subject: RE Docket Number EC-2000-007

Attached please find the official comments of the Pennsylvania Chamber of Business and Industry on EPA docket EC-2000-007 regarding electronic reporting. Thank you.

<<Chamber CROMERR.doc>>

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